

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76103 of 2019**

Arising Out of PS. Case No.-221 Year-2019 Thana- AAJAM NAGAR District- Katihar

MD. ASGAR, aged about 25 years, Male, S/O Abbas, Resident of Village -
Jangipur, P.S. - Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-12-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 363, 366, 376, 386,
34 of the Indian Penal Code.

Informant has alleged in his written complaint that
he used to live in Delhi along with his wife and minor daughter
and on 07.06.2019 his wife and daughter went outside to
purchase some household articles and thereafter did not return
and inspite of best effort made by him they could not be traced,
subsequently he came to know that accused and others have
kidnapped them and when he contacted them on their mobile a



ransom of Rs. 01 lakh was demanded for their release. He deposited of Rs. 10,000/- in his bank account but still his wife and daughter were not released by the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Although, the statement of victim has been recorded under Section 164 of Cr.P.C. in which she has alleged that she was kidnapped by petitioner and thereafter ransom was demanded and she was subjected to rape by petitioner however, medical report does not suggest any injury either on external or internal on the person of the victim. The wife had herself willingly went away with petitioner. Petitioner has no criminal antecedent and he is in custody since 28.08.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Azamnagar P.S. Case No. 221 of 2019, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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